



Congo, Republic of

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The Republic of the Congo¹ continued to be ruled by a transitional government that came to power by force of arms in October 1997. President Denis Sassou-Nguesso wields executive power with few meaningful legislative or judicial constraints. With the help of Angolan troops and other forces, Sassou-Nguesso, a northerner, defeated the forces of former President Pascal Lissouba, a southerner, elected in 1992. Soon after taking power in 1997, President Sassou-Nguesso's Government replaced the country's 1992 Constitution with a new Fundamental Act, which established a strong and highly centralized presidential system of government. The President appoints all members of the Government, all senior military officers, and all subnational government officials, serves as commander in chief of the armed forces, and specifically is mandated to direct the general policy of the Government and to exercise regulatory powers. Legislative authority is vested in the 75-member National Transition Council (Conseil National de Transition, or CNT). On September 2, the CNT approved a draft constitution with amendments and submitted it to the presidency for final approval. A countrywide referendum scheduled for December did not take place primarily for technical reasons and was rescheduled for January 2002. The judiciary is overburdened and subject to political interference. Renewed civil conflict broke out in August 1998 and continued throughout the south until the end of 1999 between forces supporting Sassou, which included Angolan allies, Rwandan Hutu militiamen, and irregular fighters of Chadian and Democratic Republic of the Congo (DRC) nationality, and southern rebel groups supporting Lissouba, which included Cocoye militiamen operating in the Bouenza, Niari, and Lekoumou regions, and Ninja and Nsiloulou militiamen operating principally in southern Pool region. In 1999 the Government reestablished effective control over most of the south through military offensives, offers of amnesty, negotiations, and efforts to broaden the Government's political base. In November and December 1999, the Government signed cease-fire and reconciliation accords with rebel groups, which called for disarmament, demobilization, the reintegration of former militiamen, and a "national dialogue without exclusion" to resolve political disputes underlying the military conflict.

The security forces include the police, the Gendarmerie, and the armed forces; however, the functional distinction between these forces was not clear. In theory the police should be the first to respond to security incidents, with gendarmes and army units intervening later if necessary; in practice joint operations were common. Many new recruits who have joined the security forces since the 1997 civil war were former members of nongovernmental militias. The Government did not have full control over some individual members of the security forces. Since the end of the 1998-1999 conflict, the Government has established increasing control over progovernment "Cobra" militiamen who effectively had been autonomous. Some units of the Angolan armed forces remained in the country under a bilateral agreement to provide security, most of them near the Congolese border with Cabinda (Angola). Rwandan Hutu militiamen, as well as former soldiers from the DRC, remained in the country as refugees and no longer participate in government military operations. A major challenge for the country is reintegration of former militiamen from all sides in the 1998-1999 conflict who have stopped fighting under the terms of the peace accords. In some cases, joint military units comprised of army troops and former rebels provide security in former rebel-controlled areas, and several thousand former combatants have benefited from internationally supported programs to help their reintegration into society and to collect and destroy illegal arms. Some members of antigovernment groups supporting Lissouba or his Prime Minister, Bernard Kolelas, have been permitted to rejoin their previous employers, for example, in the Ministry of Interior. Some members of the security forces committed serious human rights abuses.

The economy suffered serious losses from destruction and looting in much of the south during the 1997 civil war and the 1998-99 conflict, particularly in Brazzaville, where more than one-third of the country's population normally resides. Fighting and heavy looting led to the destruction of many southern towns, and much of Brazzaville, the capital. An estimated 800,000 civilians, approximately one-third of the country's estimated

population of 3 million, were displaced. However, this violence did not affect significantly the oil industry, which operates offshore and in Pointe Noire on the Atlantic coast. Oil, timber exports, and foreign aid remained the country's main sources of foreign exchange. Oil prices through most of the year remained strong, allowing the Government to pay salaries to most public sector employees, including members of the security forces and some other public employees. Payments to some civil servants and teachers, which had been in arrears for several months, were paid. Although per capita gross domestic product was estimated at approximately \$700 ((490,000 CFA francs)), this figure includes substantial oil exports, the benefits of which were not distributed widely throughout the population. A survey in Brazzaville and Pointe Noire indicated that 70 percent of the population lived in poverty. Lack of transparency and inefficient government impeded rehabilitation and development.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remain. Citizens did not have the right to change their government peacefully. Security forces were responsible for extrajudicial killings, as well as summary executions, rapes, beatings, physical abuse of detainees and the civilian population, arbitrary arrest and detention, looting, and solicitation of bribes. There were no reports that the Government deployed undisciplined forces during the year. Prison conditions were poor. The judiciary was corrupt, overburdened, underfinanced, subject to political influence, and unable to ensure fair and expeditious trials. The Government and its political allies continued to monopolize domestic broadcast media; however, private newspapers circulated freely and often were critical of the authorities. In August the Government modified the 1996 Press Law; the new version maintains penalties for defamation and incitement to violence but no longer requires prison terms for violators. There were some limits on freedom of movement, although security force restrictions on freedom of movement within the country decreased. The Government permitted opposition political parties and nongovernmental organizations (NGO's), including human rights organizations, to function, and there was a relatively open dialog on public policy issues. While many former opposition political figures have returned to Brazzaville and resumed political activities, several were tried and convicted in absentia of serious war crimes in 2000. These individuals so far have not been permitted to return. Former Prime Minister Kolelas' attempts to return during the year failed on at least two occasions when the Government intervened and airlines refused to transport him. Domestic violence and societal discrimination against women continued to be serious problems. Discrimination on the basis of ethnicity remained widespread, including against minority indigenous Pygmies. Child labor continued to be a problem; however, there were no reports of child soldiers. There were reports that persons were trafficked to, from, and within the country. Citizens sometimes resorted to vigilante justice and killed suspected criminals.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were reports during the year of extrajudicial killings by security forces. For example, in September police shot and killed an individual accused of theft when he fled arrest. There was no report of an investigation or action taken on this case by year's end. In the fall, the bodyguard of a government minister shot and killed a person he believed threatened the physical security of the minister. There was an internal investigation; however, the results were not released nor was any action taken on this case by year's end.

There were reports that security forces summarily executed soldiers responsible for abuses. For example, in August a soldier shot and killed a superior officer; he was arrested and summarily executed.

Unlike in the previous year, there were no reports that the Government deployed undisciplined troops.

There were no known reports of deaths in custody.

In 1999 the Minister of Defense announced that military tribunals would be established to bring to justice soldiers responsible for abuses, and the Government introduced legislation to that end. However, by year's end, no such law had been adopted and these tribunals were not yet in place.

As of July, five police officers, who had been dismissed for their involvement in the November 2000 suffocation of 12 persons in an overcrowded jail, were convicted by a commission and were awaiting a decision on their sentencing by a civilian court in Pointe Noire.

No action reportedly was taken against members of the security forces responsible for the following killings or other deaths in custody in 2000: The death in custody Gabriel Louya; the September killing of a civilian during

a dispute between security forces; and the August killings of 2 family members of a policeman.

On October 11, three citizens filed a complaint in a Belgian national court in Brussels against President Denis Sassou-Nguesso and a multinational oil company, alleging they had committed crimes against humanity by ordering or permitting targeted extrajudicial mass killings of civilian members of ethnic groups in late 1998 and early 1999. The charges included kidnaping, torture, and arbitrary arrest, and were based in part on a book of memoirs published in Europe. President Sassou has denied the charges. According to press reports, there were three such lawsuits in Belgian courts at year's end.

Unlike in the previous year, there were no reports that Angolan troops allied with the Government summarily executed any persons.

There continued to be deaths due to mob violence, as civilians took vigilante action against presumed criminals, although police sometimes intervened to stop such action. In November according to a police representative interviewed by the press, the police had been called to a local department store a few days prior to the interview because citizens had tied up a thief and were dowsing him with hot or boiling water. Also in November in Songholo, citizens allegedly lynched a thief.

b. Disappearance

There were no reports of politically motivated disappearances.

On August 3, the Government appointed a special commission to investigate allegations that 353 young men who took refuge in the DRC in 1999 were separated from their families by security forces upon returning to Brazzaville in May 1999, and subsequently disappeared. The commission's report was scheduled to be released in 2002. The commission also is empowered to investigate other instances of disappearances since 1992. Previously a judicial commission and a committee of the CNT looked into this incident, but no findings were released publicly by the year's end.

Given the incomplete figures on those killed or displaced in the 1997 civil war and the 1998-1999 civil conflict, and the massive displacement of the civilian population as a result of the fighting, many disappearances may have occurred that have not been reported or acted upon.

c. Torture and other Cruel and Inhuman Treatment or Punishment

The Fundamental Act prohibits such practices; however, in practice security forces sometimes used beatings to coerce confessions or to punish detainees. Female detainees were raped. Members of the security forces beat citizens and looted their homes (see Section 1.f.), and security forces sometimes extorted money from travelers at checkpoints (see Section 2.d.). No action was taken against the responsible personnel by year's end. A survey of 2,000 persons conducted by the police in August and September indicated that, of the 81 percent who had contact with the police, more than 65 percent were dissatisfied with their treatment.

Unlike in previous years, there were no reports that undisciplined government forces committed abuses such as summary executions, rape, looting, and other violent acts. There continued to be reports of security forces summarily executing soldiers; however, it was unknown for what abuses the soldiers were executed (see Section 1.a.).

In August a group of four dissatisfied soldiers threw a grenade at the home of the Defense Minister, whose guards returned fire; no injuries were reported. The four were captured and incarcerated; it was unknown if further action was taken against them by year's end.

In 2000 a court convicted and sentenced to death in absentia former Prime Minister Kolelas of torture and other crimes during the 1997 civil war (see Sections 1.d. and 1.e.). The court also sentenced to death former Interior Minister Philippe Bikinkita on similar charges in the same trial.

Members of the police received training in human rights from local NGO's during the year, and on several occasions, high-ranking police officials gave speeches exhorting police officers and officials to respect civilians and their rights.

Prison conditions remained poor due to overcrowded facilities and scarcity of resources to provide food or health care to the inmates. Prisons (Maisons d'Arret) functioned in Brazzaville and Pointe Noire and to a lesser degree in the smaller, more remote towns of Owando, Ouessou, and Djambala. The Ministry of Justice

continued to repair some prisons during the year, but efforts to improve physical facilities and to provide food and medicine were hindered by lack of funds. Detainees held at police stations often were subjected to beatings, overcrowding, extortion, and other cruel, inhuman, or degrading treatment. A group of 17 persons who spent 16 months in prison in Impfondo between 1998-1999 filed a complaint in Pointe Noire as a *partie civile* in 2000 against the Government alleging cruel and inhuman treatment, including torture, during their incarceration. In August dissatisfied with the pace of justice, they filed a complaint in a Belgian national court (see Section 3). Women were incarcerated with men, and juveniles were held with adults. Pretrial detainees were detained with convicted prisoners. It was unknown if there were any deaths in custody during the year.

Access to prisons and detention centers by domestic and international human rights groups continued to be granted. Local human rights groups, including the Congolese Observatory for Human Rights (OCDH), the Association for the Human Rights of the Incarcerated (ADHUC), and a Catholic Church organization visited prisons during the year. The International Committee of the Red Cross (ICRC) conducted regular visits to prisons and detention centers throughout the country.

d. Arbitrary Arrest, Detention, or Exile

The Fundamental Act prohibits arbitrary arrest and detention; however, security forces frequently commit such acts. The Code of Penal Procedure, which remains in force, requires that a person be apprehended openly and that a lawyer be present during initial questioning. The Code further stipulates that warrants be issued before arrests are made and that detainees be brought before a judge within 3 days and either charged or released within 4 months. In practice the Government often violated these legal provisions. However, detainees usually were informed of the charges levied against them, and lawyers and family members usually were given access to them. There is a system of bail called a "caution"; however, more than 70 percent of the population has an income below poverty level and usually cannot afford to pay the "caution" deposit.

The Fundamental Act does not address forced exile; however, the Government has blocked the return of some citizens. For example, some officials of the previous government, including former President Lissouba and former Prime Minister Kolelas, remained outside the country. Kolelas' attempts to return failed on at least two occasions during the year when the Government intervened and airlines refused to transport him. However, many other officials of the former government, including cabinet members, have returned to the country and resumed political activity.

e. Denial of Fair Public Trial

The Fundamental Act provides for an independent judiciary; however, in practice the judiciary continued to be corrupt, overburdened, under financed, and subject to political influence. Lack of resources continued to be a severe problem; almost nothing remains of judicial records, case decisions, and law books following the looting during the civil wars.

The Ministry of Justice continued slowly to rehabilitate courthouses during the year. A newly refurbished "Law Library and Information Center" was opened to the public during the year.

The judicial system consists of local courts, courts of appeal, the Supreme Court, and traditional courts. In rural areas, traditional courts continued to handle many local disputes, especially property and probate cases, and domestic conflicts that could not be resolved within the family.

In general defendants are tried in a public court of law presided over by a state-appointed magistrate. The defense has access to prosecution evidence and testimony and the right to counter it. In formal courts defendants are presumed innocent and have the right of appeal; however, the legal caseload far exceeded the capacity of the judiciary to ensure fair and timely trials. Some cases never reach the court system. In 1999 the Government announced plans to establish military tribunals to try soldiers for abuses committed during periods of conflict, and the Government introduced legislation to establish these tribunals; however, it was unknown whether the military tribunals were implemented by year's end.

In 1999 President Sassou-Nguesso signed a law and implementing regulations to grant amnesty for acts committed during the conduct of the civil conflicts in 1993-1994, 1997, and 1998-1999; however, this amnesty does not cover the political "authors" of these conflicts.

In 2000 former Prime Minister Bernard Kolelas was tried, convicted, and sentenced to death in absentia on charges of having maintained private prisons in which opponents were tortured during the 1997 war. The court also sentenced to death in absentia former Interior Minister Philippe Bikinkita on similar charges in the same trial. The Government asserted that this was a purely judicial matter; however, observers believe there were

clear political overtones evident in the broadcast of the trial on state-run television. In 1999 a court convicted and sentenced in absentia to 20 years' imprisonment former President Lissouba and three other former government officials on charges of having conspired to kill President Sassou-Nguesso in June 1999 (see Section 3).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Fundamental Act prohibits such actions; however, in practice government security forces sometimes illegally entered, searched, and looted private homes. The widespread systematic looting that occurred during the 1998-1999 conflict ceased in 2000. Nevertheless, during the year, military, gendarmerie, and police forces occasionally beat civilians and looted their homes sometimes in revenge for complaints filed by the civilians against them (see Section 1.c.).

Citizens generally believed that the Government widely monitored private mail and telephone communications; however, there were no reports that security forces arrested persons due to the content of their private communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Fundamental Act provides for freedom of speech and of the press, and the Government generally respected these rights; however, it continued to monopolize broadcast media. On August 3, the 1996 Press Law was modified. While maintaining monetary penalties for defamation and incitement to violence, the law no longer requires prison terms for violators, including cameramen, editors, and other working members of the press. The law also expanded its mandate outside the print media to include the Internet and business public relations operations.

There is no state-owned newspaper. Approximately 10 private newspapers appear weekly in Brazzaville. Some of these newspapers take editorial positions critical of the Government and print articles unflattering to the authorities. Newspapers continued to publish on occasion open letters written by opponents of the Government who were in detention or lived abroad. The print media does not circulate widely beyond Brazzaville and Pointe Noire; however, it reaches approximately two-thirds of the population.

Most citizens obtained their news from the broadcast media, which effectively remained a government monopoly. Government-owned Radio Congo and Radio Brazzaville broadcast approximately 18 hours a day; government-owned Television Congo broadcasts for fewer hours. Radio France Internationale was rebroadcast by a local FM station, Voice of America and British Broadcasting Corporation retransmissions were available, and radio and television broadcasts from neighboring Kinshasa, DRC, were received in Brazzaville. The private independent station, Radio Liberte, established by President Sassou-Nguesso's forces during the 1997 civil war, continued to broadcast. Local rebroadcasts of the Gabon-based Africa Number One also continued during the year. A Christian missionary group in Pointe Noire received permission to broadcast during daylight hours; it voluntarily provides its broadcast material to the Government prior to broadcast. The news coverage and the editorial lines of the state-owned media reflected government priorities and views. Government broadcast media focused its attention on the activities of government officials and their supporters; there was no meaningful airing of alternative political views.

Internet service was available through the Ministry of Post and Telecommunications. Several Internet cafes also provided access, and private persons with sufficient money could access the Internet directly via satellite and a service provider in Kinshasa, DRC.

The Government does not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Fundamental Act provides for the freedoms of assembly and association, and the Government generally respected these rights in practice. Political parties and civic associations held numerous meetings during the year. Public demonstrations were less common, and there were no known public protests. Groups that wished to hold public assemblies were required to inform the Ministry of Interior, which could withhold authorization for meetings that threatened public order; however, there were no reports that the Government withheld

permission during the year.

The law permits associations, political parties, and other groups to form freely, provided that they respect principles of sovereignty, territorial integrity, national unity, and democracy. No political parties were banned or suspended. The parties of some prominent leaders of the former Government continued to operate.

c. Freedom of Religion

The Fundamental Act provides for freedom of religion, and the Government generally respected this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Fundamental Act provides for these rights, and the Government generally respected them; however, in practice there were some limitations. Military and police checkpoints, which sometimes interfered with the movement of civilians, continued to operate during the year, and soldiers frequently extorted money from commercial traders to assure passage through these checkpoints. However, the use of checkpoints decreased during the year. Former rebels led by Pastor Ntoumi near the town of Vinza in Pool continued to maintain checkpoints, although negotiations to end this situation were in progress at year's end.

Former Prime Minister Kolelas' attempts to return during the year failed on at least two occasions when the Government intervened and airlines refused to transport him.

There were no reports of the prevention of the return of displaced persons; however, train service was disrupted briefly several times during the year.

During the civil conflicts, tens of thousands of citizens fled into neighboring countries, particularly Gabon and the DRC. A total of approximately 45,000 persons fled to the Bas-Congo province of the DRC in late 1998 and early 1999; however, all but approximately 5,000 had been repatriated to the country by year's end. Approximately 15,000 citizens fled to Gabon in 1999 and, according to U.N. figures, 9,000 persons remained there at year's end. During the year, the U.N. High Commissioner for Refugees (UNHCR) signed a tripartite accord with the Government and the Government of Gabon for the return of these persons.

The Fundamental Act provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government granted first asylum to refugees from other countries.

The country continued to host a small number of Burundians and approximately 7,000 Rwandans, largely members of the Hutu ethnic group, who fled camps in the eastern part of the DRC in 1996 and arrived in the country in 1997. The Government, in collaboration with the office of UNHCR, integrated approximately 2,000 of these refugees in the north-central regions of the country; however, some remained loosely grouped in an encampment north of Brazzaville, and others have integrated informally into society. In 2000 the UNHCR support to Rwandan refugees ended. Approximately 6,000 Angolan refugees fled the Angolan province of Cabinda in 1992. Humanitarian NGO's reported that there were 20,800 Angolan refugees in Pointe Noire at the end of 2000. Of these, approximately 4,000 continued to receive some UNHCR assistance in camps; the remaining approximately 16,000 were integrated into the local communities or repatriated.

More than 100,000 refugees and several hundred combatants, including DRC troops, fled to the northern Cuvette and Likouala regions of the country due to fighting in the DRC's Equateur Province over the last 2 years; some were repatriated to Kinshasa. Lack of roads and airstrips, and insecurity along the Congo and Ubangui rivers, complicated humanitarian access to these refugees. Beginning in September, a series of joint river patrols by government and DRC authorities improved the security situation and permitted relatively safe river travel as far north as Impfondo. The Ubangui River was closed due to the resumption of fighting in the Central African Republic (CAR) late in the year. Humanitarian organizations were able to provide nonperishable materials to the refugees as far north as Betou (see Section 4).

Some 4,000 to 5,000 refugees from the CAR fled to the country following a coup attempt in Bangui during the year. Approximately 4,000 remained in the country and were located primarily in several northern towns and Brazzaville at year's end.

In April 19 refugees from the DRC were arrested and repatriated forcibly to the DRC. Some of these individuals had refugee status applications pending with the UNHCR; however, none had been granted formal

refugee status by the UNHCR because of their potential involvement in human rights abuses as former members of the DRC's security and intelligence services. Their families and colleagues, who had received provisional refugee status, remained in the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not yet have the right to change their government peacefully. The Sassou-Nguesso Government came to power by force of arms in 1997 with the help of the armed forces of Angola. During the national reconciliation forum that it convened in January 1998, the Government announced its intention to enact a new constitution and hold elections within 3 years. A constitutional committee appointed by the President presented him with a draft constitution in August 1999. The draft Constitution was approved by the Conseil National de Transition (CNT) in September, and was scheduled to be the subject of a referendum in early 2002. Opposition leaders, NGO's, and other constitutional experts have criticized key components of the proposed Constitution. The draft was amended by the CNT before its approval.

The executive branch dominates the Government. Under the Fundamental Act, the President is mandated to direct the general policy of the Government and to exercise regulatory powers. He appoints all significant military, executive, and judicial officials. The President convenes the Interim National Legislature, the CNT. The CNT was elected at the 1998 national reconciliation forum, which included some representatives of opposition political parties and nongovernmental actors; however, the event was orchestrated by the executive branch and did not constitute a sufficiently broad-based forum from which to elect a genuinely representative legislature. The CNT debates issues freely and summons cabinet ministers to answer questions about their portfolios; however, it was dominated by supporters of the President and did not serve as a meaningful check on executive authority.

Major political parties included the ruling Congolese Workers' Party, the Panafrican Union for Social Democracy, the Congolese Movement for Democracy and Integrated Development, the Union for Democracy and the Republic, the Rally for Democracy and Social Progress, and possibly as many as 200 others; however, all generally were ineffective. Some party leaders remained in exile while other party officials willing to cooperate with the Government or to oppose it nonviolently returned to or remained in the country (see Section 1.d.). In the absence of electoral politics or a constitutional framework for such politics, party leaders held meetings and party congresses, commented to the media on the political environment, and raised questions in the CNT.

The state is highly centralized. Since the 1997 civil war, key regional and local leaders have been appointed by the central Government. Subnational government entities lack an independent revenue base and do not represent a significant check on central authority.

In 1998 the CNT passed a law on genocide, war crimes, and crimes against humanity that permits the exclusion from public office of those found guilty of such crimes. This law could be used to exclude opponents from the political process, and the threat of charges under this law may dissuade political figures that are in exile from returning to the country. In 1999 a court convicted in absentia former President Lissouba of plotting to kill President Sassou-Nguesso, and in May 2000 a court convicted in absentia former Prime Minister Kolelas of torture and other crimes during the 1997 civil war (see Section 1.e.). Nevertheless, many senior officials of the former government, including a number of former cabinet ministers, returned to the country during the year and resumed political activities without incident.

The percentages of women and minorities in government and politics do not correspond to their percentages of the population; however, there were no legal restrictions on political participation by women or minority populations. Women held 2 of 7 leadership positions in the CNT, and 2 of 25 cabinet ministers were women. One woman presented herself as a candidate for election to the presidency. A public opinion survey indicated that 52 percent of women believed that men opposed female participation in political life. Pygmies continued to be excluded effectively from social programs and the political process, in part due to their isolation in remote forested areas of the country. The Cabinet included members of many ethnic groups from all areas of the country. Many key posts were held by northerners, including members of the President's Mbochi ethnic group; however, no ethnic or regional group appears to be overrepresented. During the year, members of ethnic groups, who did not support the Government during the war, were permitted to return to their former government jobs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups generally operated with minimal government restriction, investigating and publishing their findings on human rights cases; however, some human rights leaders

maintained that at times they were subjected to subtle forms of intimidation. Nevertheless they continued to publish reports that were highly critical of the Government with no apparent reprisal. Government officials were generally uncooperative and unresponsive to their views.

The ICRC maintained an office in Brazzaville and, among other activities, continued its program of human rights training for units of the armed forces and police. Security problems in the north along the Ubangui River, Kindamba region in the Pool area, parts of Bouenza, and in the upper Niari River system, prevented U.N. and other humanitarian agencies from assessing conditions in these areas during much of 2000. However, the U.N. and humanitarian agencies were able to access virtually all of the country, and, despite the continuing security problems in Vinza, in the DRC's Equateur province, and in Bangui, CAR, which sometimes restricted access north of Impfondo along the Ubangui River, assessments were conducted in these areas during the year. The Government and the DRC established joint border patrols on the Congo and Ubangui rivers, further improving the general security situation and discouraging bandits and undisciplined military units from randomly targeting civilians and refugees (see Section 2.d.). Humanitarian organizations were able to provide nonperishable materials to the refugees as far north as Betou.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Fundamental Act specifically prohibits such discrimination; however, societal discrimination persisted in practice, particularly against women and Pygmies. Ethnic and regional differences continued; however, there was no organized civil violence during the year.

Women

Domestic violence against women, including rape and beatings, was widespread but reported rarely. Domestic violence was handled within the extended family and only the more extreme incidents were brought to the police. There are no specific provisions under the law for spousal battery, apart from general statutes prohibiting assault. Rape is illegal, and widespread rape during the 1998-1999 civil conflict raised public awareness of violence against women. NGO's, such as the International Rescue Committee, continued to draw attention to the issue and provided counseling and assistance to victims.

Female genital mutilation (FGM), which is condemned widely by international health experts as damaging to both physical and psychological health, is not practiced indigenously, but may occur in some of the immigrant communities from countries such as Mauritania and Mali, where it is more common.

The Fundamental Act provides for the equality of all citizens, prohibits discrimination based on gender, and stipulates that women have the right to equal pay for equal work. In practice women are underrepresented in the formal sector; most work in the informal sector and thus had little or no access to employment benefits. Women in rural areas especially are disadvantaged in terms of education and wage employment and are confined largely to family farming, petty commerce, and childrearing responsibilities.

Marriage and family laws overtly discriminate against women. For example, adultery is illegal for women but not for men. Polygyny is legal; polyandry is not. While the Legal Code provides that 30 percent of the husband's estate goes to the wife, in practice the wife often loses all rights of inheritance upon the death of her spouse, especially in the context of traditional or common-law marriages. The symbolic nature of the dowry set in the Family Code often is not respected, and men are forced to pay excessive brideprices to the woman's family. As a result, the right to divorce is circumscribed for some women because they lack the financial means to reimburse the brideprice to the husband and his family. This problem was more prevalent in rural areas than in urban centers.

There were a number of NGO's that work on women's problems; however, their effectiveness varied widely. The Ministry of Public Service, Administrative Reform, and the Promotion of Women is responsible for coordinating government initiatives regarding the status of women.

Children

The Fundamental Act affords children equal protection under the law. Education is compulsory and free until the age of 16 years. Girls and boys attend primary school in equal numbers; however, school attendance by girls declines precipitously at the high school level and, especially, at the university level. In 1997 the literacy rate was 77 percent for the total adult population but only 70 percent for women. Current literacy rates were unknown but were believed to have fallen due to the widespread destruction of schools and displacement of persons by the political instability and physical insecurity during much of the 1990's. Teenage girls sometimes exchanged sex voluntarily or under pressure for better grades. This practice resulted in both the spread of

HIV/AIDS and unwanted, unplanned pregnancies, which are considered social problems.

FGM may be performed on girls in some immigrant communities (see Section 5, Women).

There were indigent street children in Brazzaville, and their numbers appear to be growing as a result of civil conflict since 1997. In addition children from the DRC easily cross the river by stowing away on the ferry, which crosses several times per day, to seek improved living conditions. UNICEF estimated that at least 20 percent of street children in Brazzaville were from the DRC; however, NGO estimates were as high as 50 percent. DRC children also have been found in Pointe Noire. The children were not known to suffer from targeted abuse by government authorities or vigilante groups; however, they were vulnerable to sexual exploitation and often fell prey to criminal elements including drug smugglers. Many of the street children beg or sell cheap or stolen goods to support themselves. Some have turned to prostitution or petty theft.

There were reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the prevalence of the problem was unclear.

There were reports of trafficking in children (see Section 6.f.).

Child labor is illegal; however, in practice this law generally was not enforced, particularly in rural areas (see Section 6.d.). Children worked with their families on farms or in small businesses in the informal sector. In partnership with UNICEF, in September the Government planned to conduct a survey of the extent of child labor and its effects on the society; the results were not available by year's end.

There were some reports that child soldiers were used during the 1997 civil war and the 1998-1999 conflict (see Section 6.d.). There were no reports of child soldiers during the year.

Persons with Disabilities

The Fundamental Act prohibits discrimination based on physical condition; however, in practice this prohibition generally was not enforced, because the ministry charged with implementation faced severe financial constraints. There was no overt discrimination against persons with disabilities in employment and education. There were no laws mandating access for persons with disabilities.

Indigenous People

The Fundamental Act prohibits discrimination based on ethnicity; however, the indigenous Pygmy ethnic group, who number in the tens of thousands and live primarily in the northern forest regions, do not enjoy equal treatment in the predominantly Bantu society. Pygmies were marginalized severely in the areas of employment, health, and education, in part due to their isolation in remote forested areas of the country. They usually are considered socially inferior and had little political voice. Many never have heard of the concept of voting and had minimal ability to influence government decisions affecting their interests. There were no reports on whether the traditional practice of Pygmies working as indentured servants to a Bantu person continued during the year. Many Pygmies, possibly including children, have been exploited as cheap labor and discriminated against in employment, education, and the health sector by Bantus; however, there was no information regarding the extent of the problems during the year.

National/Racial/Ethnic Minorities

The Fundamental Act prohibits discrimination based on ethnicity; however, the Government did not enforce this prohibition effectively, and in practice, ethnic discrimination persisted. There were no reports that the Government or its security forces discriminated against members of southern ethnic groups, or used violence against them; however, many persons using the railroad have been taxed illegally and harassed (see Section 2.d.). Former civilian employees of the Government have been encouraged to return to their former jobs even though they are from ethnic groups that opposed the Government during the civil war and the disturbances that followed.

Four major ethnic groups make up approximately 95 percent of the country's population; these groups speak distinct primary languages and are concentrated regionally outside of urban areas. The largest ethnic group is the Kongo, who constitute the main ethnic/linguistic group in the southern part of the country and approximately half the country's population. Within the Kongo group are various subgroups, including the Lari and the Vili. Other major ethnic groups include the Teke of the central region, with approximately 13 percent of the population, and the Mbochi of the northern region, with approximately 12 percent of the population.

Societal ethnic discrimination was prevalent among virtually all ethnic groups, and was evident in private sector hiring, buying patterns, and de facto segregation of many urban neighborhoods. Ethnic divisions were apparent in the 1997 civil war and the 1998-99 conflict. These conflicts sometimes were oversimplified as pitting northerners who supported President Sassou-Nguesso, against southerners who supported former President Lissouba and former Prime Minister Kolelas. There was heavy representation from each leader's ethnic group among his immediate staff: Mbochi for Sassou-Nguesso, Lari for Kolelas, and the groups from the Niari, Bouenza, and Lekoumou regions for Lissouba; however, the correspondence between ethnic-regional and political cleavages is inexact, and supporters of the Government include persons from a broad range of ethnic and regional backgrounds.

Section 6 Worker Rights

a. The Right of Association

The Fundamental Act provides workers with the right to form unions, and the Government respected this right in practice. Any worker is free to join a union of his choice. The Labor Code affirms the right to associate freely and prohibits restrictions on the formation of trade unions. Most workers in the formal wage sector were union members, and unions have made efforts to organize informal sectors such as agriculture and retail trade.

The Fundamental Act also affirms workers' right to strike, subject to conditions established by law. Unions are free to strike after filing a letter of intent with the Ministry of Labor, thereby starting a process of nonbinding arbitration under the auspices of a regional labor inspector from the Ministry. The letter of intent must include the strike date, at which time the strike legally may begin, even if arbitration is not complete. Employers have the right to fire workers if they do not give advance notice of a strike. No formal strikes occurred during the year; however, some informal work stoppages occurred. For example, in May and June some teachers attempted to strike; however, the courts and the Government declared it illegal, effectively stopping the action.

During the year, the Government sought organized labor's agreement to a "social truce" during the period of post-conflict reconstruction, which was opposed by some labor organizations. The Government accepted certain conditions, such as regularization of salaries and rehiring of certain workers in several sectors; these conditions continued to be observed at year's end.

Unions are free to affiliate with international trade unions and they maintain cooperative accords with foreign trade union organizations, such as the ILO.

b. The Right to Organize and Bargain Collectively

The Labor Code allows for collective bargaining, and this right was respected and practiced freely. However, collective bargaining was not widespread due to the social and economic disruption and extreme hardship that occurred during much of the 1990's. The Government sets industry-specific minimum wage scales, but unions usually were able to negotiate higher wages for their members. Employers are prohibited from discriminating against employees who join a union. There were no reported firings for union activities; however, salaries were withheld from teachers who attempted to strike (see Section 6.a.).

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced, compulsory, and bonded labor, including by children; however, such practices occur. There was no credible information on whether Pygmies were forced to work as indentured servants for Bantus. Many Pygmies, possibly including children, have been exploited by Bantus; however, little information was available regarding the extent of the problem during the year (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment

The Ministry of Labor, which is responsible for enforcing child labor laws, concentrates its efforts only on the formal wage sector. Child labor is illegal, the minimum age for employment is 14 years of age; however, child labor persists among children who continued to work for their families in rural areas and in the informal sector in cities without government supervision or monitoring. There have been reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the extent of the problem was not believed to be widespread. There were some reports that child soldiers were used during the 1997 civil war and 1998-1999 conflict (see Section 5); however, the numbers appear to have been small, and there were no

reports of child soldiers during the year.

The law prohibits forced and bonded labor by children; however, there have been allegations of exploitation of Pygmy children (see Sections 5 and 6.c.).

e. Acceptable Conditions of Work

The Fundamental Law provides that each citizen has the right to remuneration according to his work and merit. The Labor Code stipulates that overtime must be paid for all work in excess of 40 hours per week and that regular days of leisure must be granted by employers. The minimum wage is \$64 (50,000 CFA francs) per month. It is not sufficient to provide a worker and family with a decent standard of living. High urban prices and dependent extended families oblige many workers, including teachers and health workers, to seek secondary employment beyond their principal employment.

Although health and safety regulations call for twice-yearly visits by inspectors from the Ministry of Labor, in practice such visits occurred less regularly. While unions generally were vigilant in calling attention to dangerous working conditions, the observance of safety standards was often lax. Workers have no specific right to remove themselves from dangerous working conditions without risking loss of employment. Legal foreign workers were protected by the same law that protected citizen workers; illegal workers were not protected by the law and faced deportation.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to, from, or within the country. An ILO study conducted in March and April 2000 in Yaounde, Douala, and Bamenda, Cameroon, indicated that regional traffickers transported children between the Republic of the Congo, and Nigeria, Benin, Niger, Chad, Togo, and the Central African Republic, through Cameroon.

¹ The United States Embassy evacuated its facilities in the country during the 1997 civil war and subsequently has operated out of the American Embassy in the Democratic Republic of the Congo.